



Agenda Report

24-182

Agenda Date: 5/22/2024

REPORT TO PLANNING COMMISSION

SUBJECT

Recommendations related to the adoption of the Zoning Map, including: General Plan Amendments to Change the Residential Land Use Designations on Identified Properties to Preserve Residential Capacity, per State Law; adoption of the Zoning Code Cleanup Ordinance; and adoption of the Zoning Map, consistent with the City's General Plan Land Use Diagram

BACKGROUND

At the January 9, 2024 City Council meeting, the Council adopted the comprehensive Zoning Code Update. The next step in the Zoning Code adoption process is to apply the new Code as zoning districts to the City's Zoning Map. The Zoning Map is required by State law to be consistent with the City's General Plan land use diagram. Concurrent General Plan Amendments are being proposed so the City also adheres to all relevant State laws. Also included for the Planning Commission's consideration is the first Zoning Code "clean-up" ordinance. As the Zoning Code update was a substantial body of work, staff will be bringing additional clean-up ordinances in the future to address clerical inconsistencies within the document or areas needing further clarification based on implementation of the new zoning code.

DISCUSSION

The Zoning Map applies the zoning districts of the recently adopted Zoning Code and the development standards of those districts to properties Citywide. An exception is provided for existing Planned Development (PD) zonings, which are planned to be carried over to the new zoning map, with all of the provisions of the adopted PD zonings remaining in place. The newly adopted code provides language to allow for future modifications of existing PD zonings, provided the changes do not involve any expansion or intensification of the use relative to what is provided for in the current PD zoning district. The Santa Clara Station Area Specific Plan and El Camino Real Specific Plan are both under development. To meet the state law requirements of General Plan/Zoning Code consistency described below, both of these areas are being zoned to zoning districts that match their current General Plan designations. Through these Specific Plan processes, it is anticipated that new General Plan land use designations and implementing zoning districts will be brought forward for adoption.

The Zoning Map adoption must comply with various State laws, with General Plan Amendments required to be considered concurrently.

Relevant State Laws

General Plan/Zoning Code Consistency

To fully implement the adopted zoning code, zoning districts need to be applied to all of the parcels of land in the City via a zoning map. The City's zoning map falls within the City's regulatory framework as an implementation tool of the City's General Plan land use diagram and is a companion to the adopted code that expresses the distribution of zoning districts throughout the City.

The creation of the zoning map is constrained by the provisions of State law. State law requires zoning maps to be consistent with a jurisdiction's General Plan, regardless of whether a jurisdiction is a Charter city like Santa Clara, or a General Law City (Senate Bill 1333, adopted in 2019). Prior to 2019, charter cities were not subject to the requirement to maintain General Plan/Zoning Code consistency. In general, when zoning maps are adopted, the arrangement of zoning districts is based on the City's General Plan land use diagram to maintain consistency between the two documents.

SB 330, the Housing Crisis Act (2019)

The creation of a zoning map is also subject to the requirements of SB 330, the "Housing Crisis Act," to maintain housing capacity within a city at 2018 levels. Because the City previously had a Zoning Map that was not entirely consistent with the General Plan land use diagram, the City is required to make a number of General Plan Amendments prior to adopting a zoning map to maintain residential capacity. The City of Santa Clara has a number of residentially designated parcels that are inconsistent with either the underlying density range on the General Plan land use diagram or the existing use of the parcel. There are three broad categories that these required General Plan Amendments can be grouped into, as discussed below.

General Plan Amendments

General Plan Amendments for Multi-Family Parcels Designated Very Low Density Residential

There are approximately 607 parcels designated Very Low Density Residential that are currently developed with multi-family uses with densities ranging up to 36 DU/AC. To maintain both residential capacity and General Plan/Zoning Map consistency, these parcels need to be redesignated to higher density land use designations that have a density range consistent with the existing use on site. In the case of properties developed with duplexes, which have two units on a site as opposed to a single-family house, those properties are proposed to be redesignated to Low Density Residential, (LDR), with a density range of 10-18 DU/AC, which is consistent with duplex construction. For buildings with more than two units, the properties are proposed to be redesignated to Medium Density Residential (MDR, 19-36 DU/AC), which allows more than three times the density of the VLDR designation. The list of these parcels is included as Attachment 1.

General Plan Amendments for Parcels with Residential Designations and Non-Residential Uses

The provisions of SB330 allow for reductions in residential capacity only if there are offsetting increases in residential capacity heard at the same meeting. The current General Plan land use diagram has approximately 132 parcels with residential designations that should be re-designated to non-residential designations to reflect their current uses, which support public serving uses, such as Open Space, Public/Quasi-Public uses, or public rights-of-way. As such, it is an opportune time to modify the 132 sites with public serving uses to have nonresidential General Plan designations consistent with those uses. For example, creek channel parcels that have been mistakenly designated with residential capacity are being redesignated to Creek, which does not carry with it any development capacity. There are also a number of parcels owned by the City and used for public purposes, or owned by private entities and used for public assembly or other quasi-public uses and currently zoned "B" Public/Quasi-Public under the old zoning code that will be redesignated to the Public/Quasi-Public General Plan designation. These parcels are also listed in Attachment 1.

First Zoning Code Cleanup Ordinance

In combination with the adoption of the zoning map, the City is bringing forward its first "clean-up"

ordinance for the Zoning Code Update, including:

- Errata to the Zoning Code Update, such as corrected section numbers and cross-references.
- Zoning Standards for the operation of mobile food vendors on private property, including codified operational standards to allow for streamlined non-discretionary approvals.
- Changes to single-family second-story front and side setbacks (also known as stepbacks), consistent with the City's adopted residential design guidelines.
- Change the side corner lot setback (exterior), from 5 feet to 10 feet to provide a more comfortable interface with the building and the sidewalk and a better transition between neighboring properties which may have a front yard orientation, and thus a deeper front yard, next to the corner property.
- A clarification that the 18' maximum height limit for detached Accessory Dwelling Units (ADUs) is limited to a one-story configuration.
- Require that windows on Accessory Dwelling Units, which are located above the first story and face neighboring properties, be located with a minimum sill height of five feet to support privacy.

The proposed code changes are attached as Attachment 5.

ENVIRONMENTAL REVIEW

Given that the Zoning Code Update is an implementation action for the 2010 General Plan Update, the City prepared an Addendum to the 2010-2035 General Plan Environmental Impact Report (EIR) to cover adoption of the Zoning Code, Zoning Map, and related General Plan Amendments. The Addendum indicated that the adoption of the Zoning Code Update would not result in environmental impacts beyond those described in the General Plan Update EIR. At the conclusion of the public hearing on November 15, 2023, the Planning Commission voted to recommend that the City Council approve the Addendum, and on December 19, 2023, the City Council adopted the Addendum. The recommended actions all fall within the scope of the adopted Addendum.

FISCAL IMPACT

Adoption of the Zoning Code Map and associated General Plan Amendments would fully implement the City's General Plan land use diagram. No additional resources beyond those indicated at the time of Zoning Code adoption.

COORDINATION

This item was coordinated with the City Attorney's Office.

PUBLIC CONTACT

A newspaper notice was published in the May 8, 2024 issue of the Santa Clara Weekly describing the proposed adoption of the Zoning Map, the Zoning Code Cleanup Ordinance, and the General Plan amendments needed to maintain residential capacity per state law. Mailed notices were sent to property owners of the parcels whose General Plan land use designations are being changed. See Attachment 1 for the list of proposed General Plan Amendment sites.

Public contact was also made by posting the Planning Commission agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov

<mailto:clerk@santaclaraca.gov> or at the public information desk at any City of Santa Clara public library.

ALTERNATIVES

1. Provide an alternate recommendation to the City Council than adopting the General Plan Amendments to maintain residential densities consistent with state law.
2. Provide an alternate recommendation to the City Council than adopting the Zoning Code clean-up ordinance, or any of its additional provisions.
3. Provide an alternate recommendation to the City Council than adopting a Zoning Code Map consistent with the City's General Plan land use diagram.

RECOMMENDATION

1. Adopt a Resolution recommending that the City Council adopt General Plan Amendments to maintain residential densities consistent with state law.
2. Adopt a Resolution recommending that the City Council adopt the Zoning Code cleanup ordinance, including changes to single-family setbacks to be consistent with the City's adopted Residential Design Guidelines
3. Adopt a Resolution recommending that the City Council adopt the Zoning Code Map consistent with the City's General Plan land use diagram.

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Approved by: Reena Brilliot, Acting Director of Community Development

ATTACHMENTS

1. General Plan Amendments List
2. Resolution Recommending the City Council Approve the General Plan Amendments
3. Resolution Recommending the City Council Approve the Zoning Code Clean Up Ordinance
4. Resolution Recommending the City Council Approve the Zoning Code Map Update